

## United States Department of Agriculture

### FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15801-15850

[Approved by the Secretary of Agriculture, Washington, D. D., April 17, 1929]

**15801. Adulteration of ergot. U. S. v. 362 Pounds of Ergot. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21740. I. S. No. 13302-x. S. No. E-6034.)**

On March 17, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 362 pounds of ergot, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by King & Howe, from New York, N. Y., on or about February 18, 1927, and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act.

Analyses of samples of the article by this department showed that its potency was not more than one-half of that required by the United States Pharmacopoeia for ergot.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia.

On April 30, 1928, King & Howe, New York, N. Y., having appeared as claimants for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, conditioned in part that it be returned to the custody of the Collector of Customs to be exported from the United States under the supervision of the Customs authorities.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15802. Misbranding of Womanette. U. S. v. 205 Bottles of Womanette. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20704. I. S. No. 3930-x. S. No. C-4903.)**

On December 12, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 205 bottles of Womanette at New Orleans, La., alleging that the article had been shipped by the Capital Remedy Company, from Jackson, Miss., on or about April 1, 1925, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, including sassafras, potassium bromide, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements borne on the labels regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed:

(Bottle and carton labels) "Womanette \* \* \* A Health, Strength, and Beauty-Builder \* \* \* Emphatically the Woman's Friend, there being no condition to which the peculiarities of her sex render her liable in which this medicine may not be taken with every assurance that it will prove beneficial. Its medical properties are \* \* \* Nervine. Its tendency is to \* \* \* equalize the circulation. These are the grand indications necessary to relieve engorgements, unlock the secretions, ease pain, quiet nervousness, and cure disease. Its tendency to throw the system upon its proper equilibrium is why it checks a too free or unnatural discharge, or restores it when suppressed contrary to nature;" (bottle label) "A remedy for the treatment of diseases peculiar to the female sex, Irregular, Obstructed and Painful Menstruation. Vaginal and Uterine Leucorrhoea or Whites. Inflammation and Ulceration of the Neck or Body of the Womb. Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, etc. \* \* \* The pregnant may use it as well as the maiden or those having a change of life. Ladies who have once used it during pregnancy are not again willing to be without it. Besides preventing cramps, pains, fretfulness, etc., the system is so well prepared for the confinement that a case of difficult, tedious, and dangerous labor has never been known to occur when a few bottles have been used during the last months of pregnancy. \* \* \* To derive the greatest benefit from its use, take a dose of proper size \* \* \* For Acute Pain—Pain in the Ovaries—Menstrual cramp, Headaches, etc., take a dose \* \* \* for a few doses until pain is relieved;" (carton) "A \* \* \* Treatment for Diseases Peculiar to the Female Sex \* \* \* It has proven of unsurpassed value in the treatment of Irregular, Obstructed, and Painful Menstruation. Vaginal and Uterine Leucorrhoea or Whites, Inflammation and Ulceration of the Neck or Body of the Womb. Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, etc;" (circular) "A Health-Builder for Women and Girls \* \* \* A \* \* \* Treatment for Diseases Peculiar to the Female Sex. Emphatically the Woman's Friend, there being no condition to which the peculiarities of her sex render her liable in which this medicine may not be taken with every assurance that it will prove beneficial. Its medical properties are \* \* \* Nervine. Its tendency is to \* \* \* equalize the circulation. These are the grand indications necessary to relieve engorgements, unlock the secretions, ease pain, quiet nervousness, and cure disease. Its tendency to throw the system upon its proper equilibrium is why it checks a too free or unnatural discharge, or restores it when suppressed contrary to nature. It has proven of unsurpassed value in the treatment of Irregular, Obstructed and Painful Menstruation. Vaginal and Uterine Leucorrhoea or Whites, Inflammation and Ulceration of the Neck or Body of the Womb, Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, Etc. \* \* \* Combined with some quick acting sedative, it will prevent threatened abortion. For ACUTE PAIN, Menstrual Cramp, Neuralgia of the Womb or Severe Pain in the Ovaries, Headache, Etc. take \* \* \* for a few doses until pain is relieved, then one dose three times a day until the trouble has been cured. For SEVERE HEADACHE, we have often seen a single dose \* \* \* relieve almost immediately. If the headache is from a nervous trouble, or from overwork, a dissipation, or worry, Womanette will quickly relieve it. Take a Dose at Bedtime if not accustomed to rest well. \* \* \* always gave \* \* \* prompt relief. \* \* \* We have seen it given \* \* \* with perfect results to a child \* \* \* which had a discharge similar to Leucorrhoea, brought on by a fall. \* \* \* Womanette is usually, in fact almost always, a quick relief for annoying symptoms of an acute nature, such as pain, etc. \* \* \* Womanette puts the forces of nature to work, assisting the natural processes, and being entirely corrective and curative in its effect, it goes directly to the seat of the trouble. Therefore, it is sometimes necessary to continue its use, even in acute cases, until the trouble can be brought under control. It must be remembered that Womanette is often called upon to handle cases which have lost all hope of getting well and in which the skill of the best physicians and the best there is in science for the treatment of disease have failed. Chronic, much run down conditions require that Womanette must be given with confidence and persistence until the de-

sired results are obtained. \* \* \* It is entirely possible for one to half take Womanette and only get half the benefit from it, or to take half enough and only get half well. \* \* \* its greatest worth is shown in the treatment of those chronic cases in which much more medicine may be required but in which its action is no less certain \* \* \* everything else having failed—in these Womanette is a never failing source of wonderment because of its wonderful successes. When everything else has failed then give Womanette a chance to prove its worth. Simply persist in its use until permanent results have been achieved. We have never known a failure when the medicine was continued long enough. \* \* \* Often the most prominent symptom may be the last to disappear. Irregularities, Leucorrhoea, Pain, Etc., are only symptoms of disease, not the disease itself, and only improve as the disease improves. Chronic inflammation, Swellings, Morbid Growths on Womb or Ovaries, etc., sometimes require continued treatment for some time, and while you cannot see the results with your eyes, the healing process is going on all the time you are taking Womanette. \* \* \* the average amount of medicine required will run between six and eighteen bottles, \* \* \* Truly cheap enough treatment when the fact is considered that Expert Knowledge of this kind can ordinarily be had only by consulting a Specialist \* \* \* If in full flesh and in a state of feverish excitement take Womanette according to directions and in addition the following may be given to advantage. To one-half glass of water add 5 to 10 drops of Norwood's Tincture of Veratrum and give one teaspoonful of the solution every one to two hours. \* \* \* these suggestions will be found helpful in making the effect of Womanette more quickly permanent. In Leucorrhoea or Whites, Inflammation or Ulceration of the Womb, Morbid Growths, Prolapsus (Falling of the Womb), Etc., the local application of Womanette on a soft sponge or a spledget of cotton to the Mouth of the Womb will be found highly beneficial. And while Womanette can usually be relied upon entirely without local treatment, ladies will find this of the greatest assistance in hastening a cure in these troubles \* \* \* Persistent following of these directions will relieve you of the necessity of an operation and restore a perfectly normal condition of health. \* \* \* Over-exertion \* \* \* should be avoided until Womanette has been given time to make you strong and well. \* \* \* It will not work against the natural processes of nature in any particular. \* \* \* Womanette clears the circulation and vitalizes the forces of nature \* \* \* If you take it according to directions it will not be many days before you will feel so much better;" (testimonials) "Grateful Expressions from Some of Those Who Have used Womanette. \* \* \* I had been suffering with such terrible headaches until I took Womanette \* \* \* I thought I was cured for a long time after taking the first bottle, but I occasionally have to take it yet. \* \* \* If you do not continue to take it long enough to cure yourself, go back to it if only to relieve present trouble. Many ladies resort to it to relieve immediate suffering who do not for reasons best known to themselves, take it at other times. \* \* \* many cases are reported to us of a single bottle curing \* \* \* we advise ladies who are in good health to keep Womanette on hand and cure themselves before they get sick. \* \* \* Don't get discouraged because the first bottle or two does not make you feel entirely well. It takes time to cure chronic troubles and if you have let your trouble run on until it has become chronic or it is of a more serious nature than you had supposed, just take Womanette according to the directions and be patient. It is entirely capable of taking care of your trouble \* \* \* For \* \* \* a whole year I was under treatment \* \* \* for an awful pain in my side \* \* \* I held out against the operation, for I do not believe in so many operations. Finally Womanette was recommended to me \* \* \* so I commenced to take it. \* \* \* By the time I had taken seven bottles I did not have any trouble at all apparently, so I quit the medicine. About a year later I had another attack and took several more bottles. Since that time I have had no return of the trouble. \* \* \* I can truly thank Womanette for saving me from the surgeon's knife. \* \* \* I was always in bed one day out of each month, and after taking six bottles of Womanette I never have a cramp or pain and can do my house work the same as at any other time \* \* \* I had spent some time in bed from a badly swollen ovary which made a knot in my side as large as a goose egg \* \* \* I had only taken four or five bottles before the pain was all gone and the swelling had entirely left my side. I have never felt better in my life. Womanette saved \* \* \* me my health \* \* \* When a woman has been saved the removal of an ovary she has something to

be proud of for no woman is ever entirely well after these organs have been removed. The removal of both ovaries is always attended by more or less disastrous results. Witness the many cases which so soon find their way into the insane hospitals, or are the victims of nervous troubles from which their only relief is found in the narcotics. The patient use of Womanette will eliminate the necessity for this operation in practically every instance. \* \* \* Womanette may seem a little slow to you, but the fact that it is certain should be sufficient reason for continuing its use until the trouble can be cleared up. \* \* \* I was in such a bad condition before I began taking Womanette I could hardly be up at all. I had terrible headaches all the time. Twelve bottles cured me entirely \* \* \* After you think you are well it is best not to discontinue the medicine too soon. \* \* \* Two of the leading physicians here told me I had Appendicitis and an operation would be necessary. One of them told me he was afraid I had kidney trouble and that he rather feared to undertake the operation. I took nine bottles of Womanette, and have now no symptoms of either Appendicitis or kidney trouble. \* \* \* Many so-called cases of Consumption, Appendicitis, and even Pellagra yield promptly to the alterative and tonic properties of Womanette—not because Womanette is a cure-all, but because the broken-down depleted conditions of the female constitution so many times so closely resemble the conditions present in these other troubles that the symptoms are often mistaken by even skilled physicians. Few women are ever operated upon if they learn the use of Womanette beforehand. \* \* \* I had fearful pains each month at my time. The flow at times was very scant, and I had a terrible complexion for my face was a mass of bumps and pimples. \* \* \* but nothing cured my pains or my bumps. \* \* \* I found that Womanette was building up my health so fast that I kept on taking that until I had taken about eighteen bottles. I gained in weight from 108 pounds to 135 \* \* \* My complexion was as smooth and clear as anybody's. Since that time I have had occasion to use Womanette \* \* \* once for Neuralgia \* \* \* It has never failed me."

Misbranding was alleged for the further reason that the declaration of 14 per cent alcohol, borne on the label, was false and misleading, since analysis showed 9.1 per cent of alcohol.

On February 1, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15803. Misbranding of original Dr. Musser's capsules, Dr. Musser's red capsules, and Dr. Musser's injection Rx. 500. U. S. v. 3 Packages of Original Dr. Musser's Red Capsules, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22313. I. S. Nos. 23606-x, 23607-x, 23608-x. S. No. 354.)**

On January 9, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 packages of original Dr. Musser's red capsules, 9 packages of Dr. Musser's red capsules, and 5 bottles of Dr. Musser's injection Rx. 500 at Fort Wayne, Ind., alleging that the articles had been shipped by the Musser-Reese Chemical Co., Pittsburgh, Pa., on or about November 7, 1927, and had been transported from the State of Pennsylvania into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the original Dr. Musser's capsules consisted essentially of volatile oils, including santal and nutmeg oils and copaiba balsam, that Dr. Musser's red capsules consisted essentially of compounds of arsenic, iron, calcium, and strychnine, and an extract from a laxative plant drug, and that Dr. Musser's injection Rx 500 consisted essentially of a solution of boric acid and zinc sulphate in water, colored yellow with an artificial dye.

It was alleged in substance in the libel that the articles were misbranded in that the circular accompanying the said packages and bottles bore false and fraudulent statements regarding the said articles, and in that the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed in the said circulars.

On February 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*